

REMARKS

Reconsideration of the present application, as amended, is respectfully requested. Claims 1 and 22 have been amended. Claims 44-50 have been withdrawn.

The Examiner states claims 44-50 are directed to an invention that independent and distinct from the invention originally claimed (original claims 1-40 and new claims 41-43). Furthermore, the Examiner states claims 1-43 are constructively elected and claims 44-50 are withdrawn. Applicants respectfully confirm the constructive election with traverse. Applicants respectfully submit that claims 1-43 and 44-50 are both directed to a media gateway receiving a particular media asset of interest. Thus, claims 1-43 and 44-50 are directed to an invention that is not distinct. Therefore, Applicants respectfully request the withdrawal of the restriction requirement.

The Examiner rejected claims 1-4, 6-25, and 27-43 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 5,892,900 by Ginter et al. Ginter discloses methods and systems for digital rights management using secure subsystems. The secure subsystems provide a virtual distribution environment (VDE) that enforces a secure chain of handling and control (Ginter, column 9, lines 19-32). An operating system on a device that implements VDE function has a "Rights Operating System" (ROS) (Ginter, column 18, lines 30-32). A component of the ROS is a gateway that translates remote procedure calls (RPC) into object switch calls and visa versa (Ginter, Figure 12, item 734; column 98, lines 56-60). Furthermore, the gateway enables the RPC manager to communicate with an element of the ROS that have an object switch interface (Ginter, column 98, lines 56-60).

Claim 1, as amended, recites:

A method for tracking transactions involving media assets on a data network, said data network being serviced by one or more service providers, the method comprising:

tracking information characterizing a particular media asset of interest that is uploaded to a media gateway associated with the data network, wherein the media gateway receives a plurality of media assets uploaded from a plurality of devices;

receiving a request to engage one or more of said service providers to perform one or more services for the particular media asset; and

tracking transaction information allowing billing of the requested services, wherein the transaction information includes information indicating which of the service providers performed a service for the particular media asset.

(Claim 1, as amended). Ginter does not teach or suggest media gateway that receives a plurality of media assets uploaded from a plurality of devices. The Examiner suggests Ginter's gateway, that is component of a rights operating system, is equivalent to Applicants' media gateway. However, Ginter's gateway translates an RPC into an object switch call. Thus, this gateway is a component of an operating system used to translate internal operating system requests. In contrast, Applicants claim a media gateway that "receives a plurality of media assets uploaded from a plurality of devices". Furthermore, there is no other disclosure in Ginter that teaches or suggests a media gateway. In addition, it would not be obvious to add a media gateway to Ginter because Ginter is directed toward solving the problem of digital rights management using secure subsystems. Therefore, Applicants respectfully submit that claim 1, and claims 2-21 and 41 that depend on claim 1, are not obvious over Ginter.

Claim 22, as amended, recites:

A system for tracking and managing media assets on a data network, said data network being serviced by one or more service providers, the system comprising:

a media gateway module for receiving uploading of a particular media asset of interest that is uploaded to the data network, wherein the

media gateway module receives a plurality of media assets uploaded from a plurality of devices;

a module for processing a request to engage one or more of said service providers to perform one or more services for the particular media asset; and

a module for tracking transaction information pertaining to billing of the requested services, wherein said transaction information includes information indicating which service providers performed a service for the particular media asset.

(Claim 22, as amended). As noted above, Ginter does not teach or suggest a media gateway module that receives a plurality of media assets uploaded from a plurality of devices. Furthermore, it would not be obvious to add a media gateway module to Ginter. Therefore, claim 22 and claims 23-40 and 42-43 that depend on claim 22, are not obvious over Ginter.

Examiner rejected claims 5 and 26 under 35 U.S.C. §103(a) as being unpatentable over Ginter et al. in view of U.S. Patent Number 6,657,702 by Chui et al. However, Chui only qualifies as prior art under 35 U.S.C. § 102(e) because it issued after Applicants' effective filing date. Applicants do not admit that Chui is prior art and reserves the right to swear behind the reference at a later date.

Chui discloses encoding a recipient identifier in a photographic image where the identifier is used when re-ordering photographic prints. Furthermore, additional printing parameters are encoded in the photographic image.

Claim 1, as amended, recites:

A method for tracking transactions involving media assets on a data network, said data network being serviced by one or more service providers, the method comprising:

tracking information characterizing a particular media asset of interest that is uploaded to a media gateway associated with the data network, wherein the media gateway receives a plurality of media assets uploaded from a plurality of devices;

receiving a request to engage one or more of said service providers to perform one or more services for the particular media asset; and tracking transaction information allowing billing of the requested services, wherein the transaction information includes information indicating which of the service providers performed a service for the particular media asset.

(Claim 1, as amended). As noted above, Ginter does not teach or suggest a media gateway module that receives a plurality of media assets uploaded from a plurality of devices. Chui does not cure this shortcoming, as Chui does not teach the concept of a media gateway. In contrast, Chui is directed towards encoding identifiers and printing parameters in photographic images. Therefore, claim 1 and claim 5 which depend on it, are not obvious over Ginter in view of Chui.

Claim 22, as amended, recites:

A system for tracking and managing media assets on a data network, said data network being serviced by one or more service providers, the system comprising:

a media gateway module for receiving uploading of a particular media asset of interest that is uploaded to the data network, wherein the media gateway module receives a plurality of media assets uploaded from a plurality of devices;

a module for processing a request to engage one or more of said service providers to perform one or more services for the particular media asset; and

a module for tracking transaction information pertaining to billing of the requested services, wherein said transaction information includes information indicating which service providers performed a service for the particular media asset.

(Claim 22, as amended). As noted above, neither Ginter nor Chui teach or suggest a media gateway module that receives a plurality of media assets uploaded from a plurality of devices. Thus, claim 22 and claim 26 which depend on it, are not obvious over Ginter in view of Chui.

Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome. Accordingly, the present and amended claims should be found to be in condition for allowance.

If a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Eric Replogle at (408) 720-8300.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,
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